

**TOWN OF ELSMERE
BOARD OF ADJUSTMENTS
MEETING MINUTES
August 28, 2012
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Board Member Patricia Boyd – Present
Board Member James Personti – Present
Board Member John Smith – Absent
Board Member John Acton – Present
Chairman Paul Chalfant – Present

APPROVAL OF MINUTES:

Minutes from the July 24, 2012 Special Board of Adjustment Meeting

ACTION: A motion was made by Board Member Boyd to approve the Minutes as transcribed. The motion was seconded by Board Member Acton.

VOTE: All in favor with 1 Absent Motion Carried

OLD BUSINESS:

None

NEW BUSINESS:

Review Petition 12-26 Tax Parcel # 1900-400-693 also known as 806 Kirkwood Hwy.

John Lengyel, the owner of the business located at 806 Kirkwood Hwy, appeared before the Board and presented his reason for filing the appeal of the citation. In addition to Mr. Lengyel, the Board heard testimony from others including Town Officials.

The Citation # V3-00005 was issued on July 7, 2012, and alleged a violation of section 302.4 of the 2000 International Property Maintenance Code (All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches.)

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At the conclusion of the testimony, and after introduction of evidence, Board Member Boyd made a motion to deny the appeal of Citation # V3-00005, which was seconded by Board Member Acton. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was denied.

ACTION: A motion was made by Board Member Boyd to Deny Petition 12-26. The motion was seconded by Board Member Acton.

VOTE: All in favor with 1 Absent Motion Carried

Review Petition 12-27 Tax Parcel # 1900-400-695 also known as 812 Kirkwood Hwy.

John Lengyel, the owner of the business located at 812 Kirkwood Hwy, appeared before the Board and presented his reason for filing the appeal of the citation. In addition to Mr. Lengyel, the Board heard testimony from others including Town Officials.

The Citation # V3-00006 was issued on July 7, 2012, and alleged a violation of section 302.4 of the 2000 International Property Maintenance Code (All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches.)

At the conclusion of the testimony, and after introduction of evidence, Board Member Boyd made a motion to approve the appeal of Citation # V3-00006, which was seconded by Board Member Personti. A vote was taken and 3 Board Members in attendance voted in favor of the motion while one was opposed. Therefore, the appeal of this citation was granted.

ACTION: A motion was made by Board Member Boyd to Approve Petition 12-27. The motion was seconded by Board Member Personti.

VOTE: 3 in favor and 1 opposed with 1 Absent Motion Carried

Review Petition 12-28 Tax Parcel # 1900-200-207 also known as 2121 Seneca Rd.

Earl Smiddy, the owner of the property, appeared before the Board and presented his reason for filing the appeal of the citation. In addition to Mr. Smiddy, the Board heard testimony from others including Town Officials.

The Citation # V3-00040 was issued on July 21, 2012, and alleged a violation of section 302.4 of the 2000 International Property Maintenance Code (All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches.)

At the conclusion of the testimony, and after introduction of evidence, Board Member Boyd made a motion to deny the appeal of Citation # V3-00040, which was seconded by Board Member Chalfant. A vote was taken and all Board Members in attendance voted in favor of the motion. Therefore, the appeal of this citation was denied.

ACTION: A motion was made by Board Member Boyd to Deny Petition 12-28. The motion was seconded by Board Member Chalfant.

VOTE: All in favor with 1 Absent Motion Carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

PUBLIC COMMENT: None

ADJOURNMENT:

ACTION: A motion was made by Board Member Boyd to adjourn. The motion was seconded by Board Member Personti.

VOTE: All in favor Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the August 28, 2012 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHALFANT, CHAIRMAN

JAMES PERSONTI, SECRETARY